

RESTRICTED**SENSITIVE**

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Statement number: S67

STATEMENT PRINT*Numerous*

Surname: KELLY

Forenames: KIM

Age: OVER 18

Date of Birth:

Address: 41 KINGSLEY STREET, BRYON BAY, NEW SOUTH WALES, AUSTRALIA

Postcode:

Occupation: HOME DUTIES

Telephone No.: 02 66857695

Statement Date: 11/09/2003

Appearance Code:

Height:

Build:

Hair Details: PositionStyleColour

Eyes: /

Complexion: /

Glasses:

Use:

Accent Details: GeneralSpecificQualifier

Number of Pages: 6

1. This statement made by me, accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness.

The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

2. I am 46 years of age.

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3. I reside at the above address with my husband Patrick and daughter Erin. I have lived here for about 24 years. My daughter Erin is 10 years old. Her date of birth is 08/12/1992. For Christmas 2001 I gave Erin a Dell brand computer. This computer has a small microphone attached. We also have the Internet hooked up to it.

Erin uses the computer to access children's sites, e-mailing friends and chatting to other users. Erin uses her computer almost daily for about half to one hour.

4. Erin regularly used to log onto a site called Neopets. This is a children's site. The children logging onto this site can create virtual pets. It is a game where they have to purchase virtual pet food and products etc. The children playing the games can talk to one another and purchase pets and products. I also use this site on behalf of Erin to purchase pets and products. I then transfer these products etc to Erin's site.

5. In June 2002 I was on the Neopets site and went to the general chat rooms. I was looking for virtual pet products and food to buy for Erin's virtual pet. My user name is Cool-Nanna. A message came up on my screen which read words to the effect of "Are there any mature players here?", I replied by typing something like "Aussie mum here". From here I commenced chatting with this user. I can't remember his user name, however he identified that he was a male person. During these chats we exchanged e-mail addresses so we could chat more freely as the Neopets site took quite a while to exchange messages. My e-mail address is kimkelly44@msn.com.

The e-mail address that this user provided me was stuepl29@hotmail.com or Stillwater 77@hotmail.com. He also identified himself as Toby STUDABAKER from the USA. Toby told me that he was a US Marine. Toby told me that most people refer to him as 'Stu'.

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I introduced Erin to Toby. Erin and Toby also began exchanging e-mails. Erin has her own e-mail address of erinkelly8@msn.com.
Toby was aware that Erin was 9 years old at the time as I told him.
Toby had a web camera attached to his computer so Erin and myself were able to actually see him when we were chatting.

I would describe the image that Toby supplied as being himself as a Caucasian male in his early thirties. He had very short-cropped hair with a clean-shaven face. He was of medium to solid build and was often wearing a T-shirt.

6. Over the next 12 to 15 months, Erin and myself had regular weekly contact with Toby. This was apart from when we did not have access to our computer between January 2003 to April 2003. During this time my daughter Rebecca took the computer back to Sydney with her as Erin had clogged up the hard drive and it needed to be replaced.

Toby and I chatted about general things like family life, interest, Hobbies etc. Toby told me that he had been serving as a Marine in Afghanistan. During the entire period we were chatting he stated he was based at North Carolina. He provided me with the address of 3/6 WPNS CO, Camp Lejuene, North Carolina, United States of America 28542.

7. Toby told me that he was being discharged from the Marines because he had a shoulder injury. He stated he had had an operation on his shoulder, however his shoulder was still not fixed. Toby did not elaborate on the extent of the injury. He indicated that when he got discharged he wanted to travel to Australia and stay with us. I told him that would not be possible as we have a small house and I was ill.

Toby told me that his wife had died about three years ago from Leukaemia. He would often say that he was feeling really depressed about her death and

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wanted to talk to someone about it. When he and I were chatting he would often request to chat with Erin as he stated that she made him laugh and that he had nieces her age. I would initially allow Erin to chat to Toby in an effort to cheer him up. As far as I know, Erin would chat to Toby about her school, her friends and other interests and hobbies. Erin would also tell him jokes. I did not supervise all of these Internet conversations.

Toby began to request to chat with Erin more and more often. I found this a little bit odd and I would often tell him that Erin was not home. As we had a microphone attached to our computer, Toby was able to hear what was going on at our house provided it was switched on. One occasion he was again requesting to chat with Erin, I told him that she wasn't home. Toby told me that he could hear her via the microphone. Erin was in fact home and in the lounge room and he could hear her talking. I am unsure how he was able to hear her as usually a user has to request permission from the other user they are conversing with in order to have the audio component activated.

Often when I logged on to the computer, Toby would also get online and make contact with me. Almost immediately he would request to speak with Erin. Toby had worked out what time Erin got home from school and would get online to make contact with her. I recall one occasion Erin told me that Toby had asked her what she was wearing. I thought that was a strange question to ask a 9-year-old girl. Erin also told me that Toby would also ask her whether her mum or dad or anyone else was in the room. Erin told me that when she replied that there wasn't, he would have the web camera on himself. Erin said that she saw images of Toby dancing around the room and that the screen went blurry on some parts. Erin told me that Toby had said this was because he was moving too fast.

8. In December 2002 I sent Toby a Christmas card from our family. The card included some photographs of Erin. Not long after this, Toby asked me if he could send Erin and I his current web camera as he was going to update

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his. He said that he wanted to be able to see Erin and I. I told him that we did not want it and that I could not accept his gift. Toby said that he was going to send it to us anyway and that he knew our address from the Christmas card I had sent him. During this conversation he had his web camera on and I could see that he was holding up the Christmas card that I had sent over to him.

9. Sometime 2003, after we got the computer back from Rebecca, Toby started chatting to me about a female he had met named Shevaun. Toby told me that Shevaun was his girlfriend and that she was younger than him. He did not specify her exact age. Toby told me that he was in love with her. At this stage I did not know that the relationship was an Internet one. I assumed that he was actually physically with her in the United States.

The contact between Toby, Erin and myself became less frequent and I assumed it was because he no longer felt depressed and he was happily in love and busy with Shevaun.

Toby resumed contact and stated that Shevaun had broken the relationship off. He did not say why the relationship ended. About 2 to 4 weeks after this, Toby informed me that he and Shevaun were back together. He told me that he was going over to England to meet her. I then realised that the relationship was an Internet one.

Toby informed me he and Shevaun wanted to make a fresh start in Australia. He asked me how would he go about migrating to Australia. I told him I did not know and that he should contact the Australian Embassy in the United States. Toby also asked about what type of work he could get in Australia. He told me that he had some sort of trade, however I cannot recall what it was.

Toby seemed madly in love with Shevaun as we would often get a message on our screen saying I LOVE SHEVAUN.

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10. In about August 2003 (I am unsure of the correct date), I was watching the morning news with Erin. I saw a report on a young girl named Shevaun who had gone missing from her parents home in Manchester with a Marine named Toby STUDABAKER. I was very shocked as I thought that Toby may be heading to Australia with Shevaun as he had previously talked about it. I e-mailed a friend, Jacqui GEEN in England and chatted to her about the situation. Jacqui told me she would contact Crimestoppers and get some advice. I also contacted Australian Crimestoppers who referred me to the Australian Federal Police. I made contact with the Federal Police and told them about my contact with Toby.
11. I was then contacted by a Sergeant Dave HEYWOOD from the English Police. I had a further conversation with Dave regarding Toby. I can be contacted further via telephone or e-mail should Police require any further details regarding this statement.

Signed: K KELLY

Signature witnessed by:

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